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8 Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ROBIN DIMAGGIO,

16 Defendant.

No. 18-891-DMG

STIPULATION REGARDING REQUEST FOR  
(1) CONTINUANCE OF TRIAL DATE AND  
(2) FINDINGS OF EXCLUDABLE TIME  
PERIODS PURSUANT TO SPEEDY TRIAL  
ACT

**CURRENT TRIAL DATE:** 08/27/2019  
**PROPOSED TRIAL DATE:** 10/29/2019

18  
19 Plaintiff United States of America, by and through its counsel  
20 of record, the United States Attorney for the Central District of  
21 California and Assistant United States Attorney Poonam G. Kumar, and  
22 defendant Robin DiMaggio ("defendant"), both individually and by and  
23 through his counsel of record, Erin Murphy, hereby stipulate as  
24 follows:

25 1. The Indictment in this case was filed on December 20, 2018.  
26 Defendant first appeared before a judicial officer of the court in  
27 which the charges in this case were pending on December 10, 2018.  
28

1 The Speedy Trial Act, 18 U.S.C. § 3161, originally required that the  
2 trial commence on or before February 28, 2019.

3 2. On January 8, 2019, the Court set a trial date of March 12,  
4 2019 and a pre-trial conference for February 27, 2019.

5 3. Defendant is released on bond pending trial. The parties  
6 estimate that the trial in this matter will last approximately four  
7 days.

8 4. The Court has previously continued the trial date in this  
9 case from March 12, 2019 to August 27, 2019, and found the interim  
10 period to be excluded in computing the time within which the trial  
11 must commence, pursuant to the Speedy Trial Act.

12 5. By this stipulation, defendant moves to continue the trial  
13 date to October 29, 2019 and the pre-trial conference to October 16,  
14 2019. This is the third request for a continuance.

15 6. Defendant requests the continuance based upon the following  
16 facts, which the parties believe demonstrate good cause to support  
17 the appropriate findings under the Speedy Trial Act:

18 a. Defendant is charged with a violation of 18 U.S.C.  
19 § 1343: Wire Fraud and 18 U.S.C. § 1957: Transacting in Criminally-  
20 Derived Proceeds. The government has produced nearly 10,000 pages,  
21 including records from civil suits filed against defendant, reports  
22 of interview with witnesses and victims, bank records, and escrow  
23 records.

24 b. Defense counsel for defendant is presently scheduled  
25 to be in trial in a two-day drug distribution case in 18-CR-341-DSF  
26 on August 6, 2019; a three-day drug distribution case in 18-CR-417-  
27 VAP on August 13, 2019; a two-day illegal alien in possession of  
28 ammunition case in 18-CR-242-DMG on August 20, 2019; a four-day felon

1 in possession case in 18-CR-164-AB on August 27, 2019; a three-day  
2 drug distribution case in 13-CR-863-JAK on September 10, 2019; a two-  
3 day illegal reentry after deportation case in 18-CR-247-ODW on  
4 September 24, 2019; a bank fraud case in 18-CR-65-FMO on September  
5 24, 2019; a four-day wire fraud case in 18-CR-627-FMO on October 8,  
6 2019; an unauthorized access device and aggravated identity theft  
7 case in 18-CR-351-CAS on October 19, 2019; a three-day felon in  
8 possession case in 18-CR-860-FMO on October 29, 2019; a drug  
9 distribution case in 18-CR-333-VAP on November 12, 2019; a drug  
10 distribution case in 19-CR-164-MWF on October 15, 2019;

11 c. In light of the foregoing, counsel for defendant also  
12 represents that additional time is necessary to confer with  
13 defendant, conduct and complete an independent investigation of the  
14 case, conduct and complete additional legal research including for  
15 potential pre-trial motions, review the discovery and potential  
16 evidence in the case, and prepare for trial in the event that a  
17 pretrial resolution does not occur. Defense counsel represents that  
18 failure to grant the continuance would deny her reasonable time  
19 necessary for effective preparation, taking into account the exercise  
20 of due diligence.

21 d. Defendant believes that failure to grant the  
22 continuance will deny him continuity of counsel and adequate  
23 representation.

24 e. The government does not object to the continuance.

25 f. The requested continuance is not based on congestion  
26 of the Court's calendar, lack of diligent preparation on the part of  
27 the attorney for the government or the defense, or failure on the  
28

1 part of the attorney for the Government to obtain available  
2 witnesses.

3       7. For purposes of computing the date under the Speedy Trial  
4 Act by which defendant's trial must commence, the parties agree that  
5 the time period of August 27, 2019 to October 29, 2019, inclusive,  
6 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
7 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a  
8 continuance granted by the Court at defendant's request, without  
9 government objection, on the basis of the Court's finding that: (i)  
10 the ends of justice served by the continuance outweigh the best  
11 interest of the public and defendant in a speedy trial; (ii) failure  
12 to grant the continuance would be likely to make a continuation of  
13 the proceeding impossible, or result in a miscarriage of justice; and  
14 (iii) failure to grant the continuance would unreasonably deny  
15 defendant continuity of counsel and would deny defense counsel the  
16 reasonable time necessary for effective preparation, taking into  
17 account the exercise of due diligence.

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1 I am Robin DiMaggio's attorney. I have carefully discussed  
 2 every part of this stipulation and the continuance of the trial date  
 3 with my client. I have fully informed my client of his Speedy Trial  
 4 rights. To my knowledge, my client understands those rights and  
 5 agrees to waive them. I believe that my client's decision to give up  
 6 the right to be brought to trial earlier than October 29, 2019 is an  
 7 informed and voluntary one.

8 s/ Erin Murphy

July 25, 2019

9 ERIN MURPHY  
 10 Attorney for Defendant  
 11 ROBIN DIMAGGIO

Date

12 I have read this stipulation and have carefully discussed it  
 13 with my attorney. I understand my Speedy Trial rights. I  
 14 voluntarily agree to the continuance of the trial date, and give up  
 15 my right to be brought to trial earlier than October 29, 2019. I  
 16 understand that I will be ordered to appear in Courtroom 8C of the  
 17 Federal Courthouse, 350 West First Street, Los Angeles, California on  
 18 October 16, 2019 at 2:00 P.M.

19   
 20 ROBIN DIMAGGIO  
 21 Defendant

22 Date July 26 2019  
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